

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

**FINDINGS OF FACT IN USE OF FORCE INCIDENT**

<b>Force Type (s):</b>	Serious Injury
<b>Incident Date:</b>	February 11, 2022
<b>Publication Date:</b>	January 5, 2023
<b>Involved MPD Member(s): Rank, Division Assigned, Race/Gender:</b>	Officer 1 Seventh District Black/Male  Officer 2 Seventh District Black/Male  Officer 3 Seventh District White/Male  Officer 4 Seventh District Black/Male  Officer 5 Seventh District Black/Female  Officer 6 Seventh District Hispanic/Male
<b>Subject of the Force's Race/Gender and Age at time of the use of force incident:</b>	Black/Male 20 years old
<b>Use of Force Review Board Date:</b>	October 12, 2022

**SYNOPSIS OF USE OF FORCE**

The subject of the force was tackled to the ground by the involved MPD members after he resisted their efforts to arrest him. While on the ground the subject of the force continued to resist the officers and one of the officers deployed their Oleoresin Capsicum (OC) spray to his face. The officers were able to handcuff the subject of the force and he was later found to be unconscious.

Consistent with MPD policy, this use of force incident was referred to MPD's Internal Affairs Division (IAD) for investigation. MPD's use of force investigative procedures are outlined in [GO-RAR-901.07 \(Use of Force\)](#). The IAD final investigative report concluded on October 3, 2022, after all available evidence was collected and analyzed, and statements from the subject MPD members, the subject of the force, and police witnesses were reviewed. The material facts regarding this use of force incident are outlined below.

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**EVENTS THAT LED TO POLICE CONTACT**

1. On Friday, February 11, 2022, at approximately 5:56 PM, OFC1 observed a person, hereafter referred to as the subject of the force, standing in the 2700 block of Bruce Place, SE.
2. OFC1 recognized the subject of the force and queried law enforcement databases. The queries confirmed that the subject of the force was wanted by the Prince George's County, MD, Sheriff's Office for failing to appear for a weapons offense.
3. OFC1, Sergeant 1(SGT1) and OFC2 approached the subject of the force.

**EVENTS THAT LEAD TO THE USE OF FORCE**

4. OFC1 told the subject of the force there was a warrant for his arrest and that he was going to be arrested.
5. OFC1 took a hold of the subject of the force's right wrist and started pulling it behind the subject of the force's back.
6. SGT1 took a hold of the subject of the force's left wrist and started pulling it behind the subject of the force's back.
7. The subject of the force physically resisted OFC1's and SGT1's efforts to handcuff him by pulling his arms away and tensing his arms and body.
8. OFC2 took a hold of the subject of the force's left arm to assist OFC1 and SGT1.
9. The subject of the force broke free from OFC1's hold and grabbed a hold of the fence to prevent the officers from handcuffing him.
10. OFC2 took a hold of the subject of the force's left wrist and pulled it behind the subject of the force's back.
11. OFC3 arrived on the scene and he took a hold of the subject of the force's right arm to assist the officer's attempts to handcuff the subject of the force.
12. The subject of the force continued to resist the officers' efforts to place him into handcuffs and attempted to break free from them and flee.
13. OFC1, OFC2 and OFC4, tackled the subject of the force to the ground.
14. OFC4 took a hold of the subject of the force's left wrist.
15. OFC5 arrived on the scene and put a handcuff on the subject of the force's left wrist.
16. OFC6 arrived on the scene and told the subject of the force that he would be sprayed with Oleoresin Capsicum (OC).

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17. The subject of the force shielded his face from the OC spray with his right hand.
18. The subject of the force was on his stomach and his right arm was underneath of him. The officers told him to put his right arm behind his back.
19. OFC6 announced "OC Spray" two times and then deployed two bursts of the OC spray to the subject of the force's face.
20. OFC3, OFC5, and OFC6, were then able to handcuff the subject of the force's right wrist.

**ACTIONS AFTER THE USES OF FORCE**

21. OFC5 rolled the subject of the force onto his side and the subject of the force appeared to be unconscious.
22. OFC1, OFC3, and OFC5, picked up the subject of the force off of the ground by his arms and leaned him up against a police vehicle.
23. The subject of the force appeared unconscious and slid down the police vehicle into a seated position on the ground.
24. OFC1 and OFC3 attempted to elicit a verbal response from the subject of the force but he remained unresponsive.
25. OFC3 patted the subject of the force's shoulder and leg, and administered a sternal rub in an attempt to elicit a response from the subject of the force but he remained unresponsive.
26. OFC1, OFC3 and OFC5, picked the subject of the force up off of the ground again and leaned him up against the police vehicle. At this point the subject of the force became responsive and stood on his own.
27. The subject of the force arched his back and fell back onto the hood of the police vehicle. He tightly closed his eyes in response to the effects of the OC spray. He dropped to his knees and reported that he could not breathe.
28. OFC5 utilized her police radio to request the services of the DC Fire and Emergency Medical Services Department (DC FEMS) to provide medical aid to the subject of the force.
29. OFC1 and OFC5 picked up the subject of the force off of the ground and escorted him to an MPD transport wagon. The officers operating the MPD transport wagon took the subject of the force directly to a local hospital for medical treatment.
30. Medical staff of the local hospital treated the subject of the force for the OC spray exposure, his complaint of pain to his wrist, and his complaint of pain to his side from a previously sustained injury unrelated to this use of force by MPD. The subject of the force was discharged from the hospital and returned to MPD's custody for arrest processing.

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31. The subject of the force was charged with Fugitive from Justice and Resisting Arrest.

**PROSECUTORIAL REVIEW BY THE US ATTORNEY'S OFFICE (USAO)**

Consistent with [GO-RAR-901.07 \(Use of Force\)](#), this incident was referred to the USAO to make an independent determination whether the use of force indicated criminal wrongdoing that should be prosecuted. On June 8, 2022, the USAO notified MPD that they were declining to prosecute the incident.

**FINDINGS OF INTERNAL AFFAIRS DIVISION (IAD) ADMINISTRATIVE  
INVESTIGATION**

On September 21, 2022, the IAD final investigation made the following findings based on a preponderance of the evidence regarding the uses of force by the involved members.

- The Use of Force-Hand Control with Injury by OFC1 was **JUSTIFIED**.
- The Use of Force-Tactical Takedown with Injury by OFC1 was **JUSTIFIED**.
- The Use of Force-Hand Controls with Injury by OFC2 was **JUSTIFIED**.
- The Use of Force-Tactical Takedown with Injury by OFC2 was **JUSTIFIED**.
- The Use of Force-Hand Control with Injury by OFC3 was **JUSTIFIED**.
- The Use of Force-Hand Controls with Injury by OFC4 was **JUSTIFIED**.
- The Use of Force-Tactical Takedown with Injury by OFC4 was **JUSTIFIED**.
- The Use of Force-Hand Control with Injury by OFC5 was **JUSTIFIED**.
- The Use of Force-Hand Control with Injury by OFC6 was **JUSTIFIED**.
- The Use of Force-OC Spray by OFC6 was **JUSTIFIED**.

**FINDINGS OF THE USE OF FORCE REVIEW BOARD (UFRB)**

On October 12, 2022, the UFRB convened to review the final investigative report prepared by the IAD and the evidence regarding the uses of force by the involved members. The UFRB ruled:

- The Use of Force-Hand Control with Injury by OFC1 was **JUSTIFIED**.
- The Use of Force-Tactical Takedown with Injury by OFC1 was **JUSTIFIED**.
- The Use of Force-Hand Controls with Injury by OFC2 was **JUSTIFIED**.
- The Use of Force-Tactical Takedown with Injury by OFC2 was **JUSTIFIED**.
- The Use of Force-Hand Control with Injury by OFC3 was **JUSTIFIED**.
- The Use of Force-Hand Controls with Injury by OFC4 was **JUSTIFIED**.
- The Use of Force-Tactical Takedown with Injury by OFC4 was **JUSTIFIED**.
- The Use of Force-Hand Control with Injury by OFC5 was **JUSTIFIED**.
- The Use of Force-Hand Control with Injury by OFC6 was **JUSTIFIED**.
- The Use of Force-OC Spray by OFC6 was **JUSTIFIED**.